IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7182 OF 2004

Shri Shankarlal Shivnarayan
Pandyaji and anr. ..Petitioners

Vs.

Bapusaheb Nivrutti Patil and anr. ..Respondents

Mr. Manoj Chatage h/f S.D. Dharmadhikari for petitioners.

CORAM: B.H. MARLAPALLE, J.

Date : July 25, 2006.

P.C.:

1. Heard the learned counsel for the ptitioners who are plaintiffs in RCS No.111 of 2001. In the said suit the plaitiffs filed an application for temporary injunction at Exh.5 and the same was rejected by the learned Joint Civil Judge, Junior Division at Sangli on 18/5/2001. The plaintiffs, therfore, filed Misc. Civil Appeal No. 115/2001 which has been dismissed by the learned IInd Additional District Judge at Sangli on 28/8/2002 and hence this petition praying for temporary injunction.

2. Admittedly for the last about 5 years or so there is no injunction operating in favour of the plaintiffs and it will be, therefore, in the interest of the petitioner that his suit is decided expeditiously and there is no case made out to discard the concurrent findings recorded by both the courts below regarding the prima facie case in favour of the petitioners and their failure to make out such a case.

3. Hence the petition is rejected summarily and the trial of RCS No.111 of 2001 is hereby expedited.

(B.H. Marlapalle,J.)